



## Volunteer and Trainee Guidelines

---

### PURPOSE

The University of Colorado's volunteers allow the university to broaden and enhance its services to the campus community. The purpose of these guidelines is to assist campus personnel in safely and effectively managing the risks and requirements of volunteer and trainee programs.

### SCOPE

These guidelines apply to volunteer or trainee programs developed on behalf of and under the supervision of the University of Colorado. These programs are on-going as opposed to an incidental volunteer activity.

If you have questions about whether an individual should be hired as an employee, rather than performing services as a volunteer, contact your Human Resources office. This analysis may involve both FLSA and IRS factors.

### Volunteer Criteria:

- A volunteer is not an employee.
- A volunteer performs activities at the request of, for the benefit of, and under the supervision of, the university.
- University employees can volunteer so long as the volunteer activities are not the same or similar to the activities the employee is employed to perform.
- A volunteer willingly provides goods or services without any promise, expectation or receipt of pay or payment in kind. The volunteer does not receive any benefit from the university.
- Volunteers work less than full-time, unless performing services for a limited defined period (e.g. a semester or set number of weeks).
- The services are of the kind typically associated with volunteer work.
- No regular employees have been displaced to accommodate the volunteer.

In addition to volunteers, individuals may participate in experiential learning activities including internships, trainees and shadowing. Similar procedures to this volunteer process can be followed for these types of activities. Please contact Risk Management, Human Resources or your Experiential Learning campus office to determine appropriate procedures.

**Trainee Criteria:** trainees per federal and state labor laws must meet various requirements to be exempt from compensation.

- The training is for the benefit of the trainees or students.
- The trainees or students do not displace regular employees, but work under close supervision.
- The employer that provides the training receives no immediate advantage from the activities of the trainees or students and, on occasion, his operations may even be impeded.

- The trainees or students are not necessarily entitled to a job at the conclusion of the training period.
- The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training.

## **RESPONSIBILITY AND ACCOUNTABILITY**

### **Campus Volunteer and Trainee Programs**

Establish written procedures to implement these guidelines. Refer to the [Volunteer Checklist](#) and the [Trainee Checklist](#).

### **Volunteer/Trainee Supervisors**

Supervisors are responsible for volunteer/trainee oversight. They are to familiarize themselves with, and utilize this document and the URM volunteer and trainee program checklists along with applicable university and campus policies and procedures related to the volunteer activity. Refer to the [Minor Guidelines](#) document to addresses additional consideration for minor participants.

### **Volunteers/Trainees**

Volunteers and trainees acting on behalf of the university are expected to adhere to university policies, including but not limited to those policies concerning alcohol and drug use, vehicle use, student conduct, fiscal propriety, sexual harassment, diversity, and non-discrimination. Volunteers may be subject to background checks.

### **University Risk Management (URM), Human Resources and University Counsel**

These departments can provide consultation and guidance to CU campuses related to compliance and use of volunteers and trainees. URM documents are found on the [URM website](#) or contact your campus risk manager.

## **GENERAL GUIDELINES**

### **Authorized Volunteer Activity or Trainee Program**

The volunteer and trainee program checklists will assist in developing your program and help ensure compliance with other applicable laws and policies.

### **Safety Considerations**

Identify the risks of the volunteer or trainee activity and identify the required safety training for any tools, computers, specialized equipment, vehicles, physical activities, hazardous chemicals, biologicals or radioactive materials, etc. that are part of their activities. Document training and include a signature that the training was received and understood. All program documents and signed forms should be kept by the campus unit in a secure location as required by the [APS 2006 - Retention of University Records policy](#).

### **Considerations**

The volunteer/trainee screening requirements may be similar to those of employees (e.g. background checks for vulnerable population programs). Contact Human Resources to assist in identifying screening requirements based on the activities and activity participants.

Volunteers or trainees should not displace necessary employee work for the university. If you have questions about whether an individual may be a volunteer or trainee, rather than hired as an employee, contact Human Resources or University Counsel. This analysis may involve both FLSA and IRS factors. They can also address questions on the type of payments that can be

made to volunteers. Exceeding the FLSA restrictions can convert the volunteer to a statutory employee and could impose a financial burden on the university.

University employees may volunteer hours of service to the university provided such services are not the same or similar to the type of services which the individual is employed to perform.

If considering the use of minors as volunteers/trainees review the [Minor Guidelines](#) document and use the appropriate minor consent forms found on the URM website or contact your campus risk management office and follow campus policies and procedures.

## **VOLUNTEER AGREEMENT, INSURANCE AND LIABILITY**

### **Short-term volunteer activity**

If your volunteer activity is an incidental volunteer activity, such as use of volunteers at an event, not an on-going program, you can use the [Volunteer Notice of Risk and Waiver](#) document. Complete the activity description, dates and include any hazards involved in the activity.

### **On-going volunteer activity**

For all on-going volunteer programs within the scope of these guidelines use the [Volunteer Agreement and Waiver](#) Template prior to commencement. The agreement makes the following points and should be explained to the volunteer.

- A letter of invitation with a written outline of duties, dates, risks and safety requirements.
- Confirmation that the activities are not those of an employee.
- The university does not provide medical or accident insurance for volunteers and, pursuant to Colorado State law, does not provide workers' compensation coverage for volunteers. Volunteers are personally responsible for the expense of any medical care received for injuries incurred because of volunteer service to the university.
- With regard to liability, the Colorado Governmental Immunity Act (CGIA), C.R.S. 24-10-101 et seq., provides an "authorized volunteer" of a public entity the same defense as a university employee, except when acting in a willful and wanton manner.
- Depending on the activities of the volunteer other acknowledgements or waivers may be appropriate. Examples include confidentiality, photo, HIPAA and FERPA and may be available on the URM website or through University Counsel.

## **TRAINEE AGREEMENT, INSURANCE AND LIABILITY**

Complete your campus student intern learning agreement or the [Trainee Agreement and Waiver](#) prior to commencement of trainee activities. The agreement makes the following points and should be explained to the trainee.

- A letter of invitation with a written outline of duties, dates, risks and safety requirements.
- Confirmation that the trainee is not an employee or contractor.
- The university provides workers' compensation coverage for on the job trainees in a university sponsored trainee program or in a bona fide academic or clinical internship (clinical rotations, for-credit internships, practicums) per the Colorado Workers' Compensation statute.
- Depending on the activities of the trainee other acknowledgements or waivers may be appropriate. Examples include confidentiality, photo, HIPAA and FERPA and may be available on the URM website or through University Counsel.